THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 478 of 2000

DATE: 26-04-2007

Between :

Shaik Vahidullah and 4others.

… Petitioners

And

The Government of Andhra Pradesh,
Rep., by its Secretary,
Revenue (Wakfs) Secretariat,
Hyderabad and 2 others.

… Respondents

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION NO. 478 of 2000

ORDER:

This writ petition is filed questioning the order passed by the third respondent-Chief Executive Officer, A.P. State Wakf Board, Hyderabad dated 17-11-1999 under Section 65 of the Wakf Act, 1995 (for short 'the Act') thereby authorizing the Wakf Board to take charge of the wakf institution i.e. Bara Imam Ashoorkhana with its attached movable and immovable properties under the direct management of the Wakf Board.

Though the petitioner raised various grounds assailing the correctness of the said order, I am not inclined to express any opinion on merits, since under sub-section (2) of Section 65 of the Act, an alternative remedy is available against the order passed under sub-section (1) of Section 65. Without exhausting such efficacious alternative remedy, the petitioner cannot maintain this writ petition under Article 226 of the Constitution or India.

Accordingly, granting leave and liberty to the petitioner to work out the alternative remedy available under law, if so advised, the writ petition is disposed of. No costs.

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G. ROHINI, J.

Date 26-04-2007
KLP